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09/899,279	07/06/2001	Markus Gerber	Q65098	3909

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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 05/26/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/899,279

**Applicant(s)**

GERBER, MARKUS

**Examiner**

Stephen M. D'Agosta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

The information disclosure statement filed 7-6-01 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### *Specification*

1. The abstract of the disclosure is objected to because; 1) The word "means" is used, 2) The title "Network Management Server" and "Figure 1" should be deleted, 3) Any/All words in parentheses should be deleted. Correction is required. See MPEP § 608.01(b).

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of **50 to 150 words**. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

#### **Arrangement of the Specification**

4. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**Claims 1-4 and 8-9** rejected under 35 U.S.C. 103(a) as being unpatentable over Sonti et al. US 6,108,540 and further in view of Haumont US 6,633,755 and Pehrson US 6,339,705 (hereafter Sonti, Haumont and Pehrson).

As per **claim 1**, Sonti teaches a method for supporting the management of subscriber data (abstract teaches method to manage profiles), characterized in that:

the setting-up of a communication connection between a mobile radio terminal of a subscriber of the communication network and radio network hardware (ie. MSC/HLR) of the communication network is initiated by the mobile terminal (figures 1 and 5-7, abstract, and C8, L24-33)

that the radio hardware (ie. MSC/HLR) communicates with the mobile terminal via the initiated communication connection by means of a radio protocol (figure 1 shows mobiles and BTS's using RF communications as does C6, L63-67)

that the radio hardware (ie. MSC/HLR) determines the identity of the subscriber and checks the authorization of the ascertained subscriber by means of an authorization procedure (C7, L1-5), that with satisfactory authorization (C7, L6-15) the NMS allows and facilitates access by means of the radio protocol for the mobile radio terminal to data assigned to the ascertained subscriber of a subscriber management database (SMDB) of the radio hardware of the communication network in which the type of services within the communication network subscribed to by the subscriber and respective assigned parameters for the management of the communication network are specified by the radio hardware (C7, L16-20 teaches sending back a "default" profile while C8, L25-67 teaches the user accessing the subscriber database and changing their profile)

**but is silent on** the mobile directly connecting to an NMS system and use of the WAP protocol.

Sonti states that his invention allows a user to bypass a phone company representative and change their profile directly (abstract) which is motivation for the user to connect to hardware (eg. MSC or Network Management system) directly.

**Haumont** teaches a GSM system whereby the NMS system connects to/controls the MSC, HLR and VLR (figure 2, see "NMS" box). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Sonti, such that the NMS is accessed directly by the user to provide the user with the ability to change their profile as they desire.

**Pehrson** teaches network management using TCP/IP and HTML (eg. Notably, the management data communication network can be implemented in any one of a number of different ways, such as, for example, by using Internet protocols like TCP/IP or HTML. In this case, a number of existing products may be used for execution of the management operations or tasks, such as, for example, conventional Web-browsers, a Java.RTM.-like execution environment, etc. (C7, L55 to C8, L11). The examiner also notes that Internet-enabled wireless devices have been known in the art for many years and pre-date the applicant's invention. Since the applicant admits in their specification (page 2, 2<sup>nd</sup> paragraph) that WAP protocols are based on GSM standards (as taught above by Haumont, C2, L51-6) and allow for transmission of HTML or XML, it would

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have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the combination of Sonti and Haumont, such that WAP is used to access the NMS, to provide means for using GSM-supported Internet connectivity to the NMS server to access their service profile(s) via a user-friendly GUI interface.

As per **claim 2**, Sonti in view of Haumont and Pehrson teaches claim 1 and that during access to the SMDB the mobile terminal modifies the services provided to the subscriber in the communications network by deleting or adding services in the subscriber database (abstract teaches a user can change their profile which reads on adding/deleting services).

As per **claim 3**, Sonti in view of Haumont and Pehrson teaches claim 1 and that during access to the SMDB the mobile terminal modifies the charges for services provided to the subscriber in the communication network by modifying parameters assigned to services in the SMDB (abstract teaches a user can change their profile which reads on modifying charges for services provided – eg. the user may add/delete special calling features such as roaming, call conferencing, voicemail, etc. which would have an impact on the user's bill. As an example, a user who typically stays within their home region may not turn on roaming often, unless they take a trip and will be outside their home location which would save on long distance charges – Sonti does teach changing a profile based on geographic region, see abstract).

As per **claim 4**, Sonti in view of Haumont and Pehrson teaches access to a subscriber database such that during access to the SMDB the mobile terminal modifies the collection of the call charges incurred by the subscriber in the communication network by modifying the global parameters assigned to the subscriber in the SMDB (Sonti teaches that the subscriber feature lists are fully modifiable by the user, (C5, L60-62) and that each profile contains a MIN, ESN, LOC, AUTH and PIN and that other fields are possible (C6, L13-17) as well as multiple stored profiles being possible (C6, L18-21) which reads on allowing a user to change a global parameter – such as whether roaming is possible and what its charge rate would be, same for call conferencing, voicemail, etc.).

As per **claim 8**, Sonti teaches a network management sever for supporting the management of a communication network (abstract teaches method to manage profiles and figure 5 shows network components/servers, ie. BTS, MSC, VLR/HLR), characterized in that:

the setting-up of a communication connection between a mobile radio terminal of a subscriber of the communication network and radio network hardware (ie. MSC/HLR) of the communication network is initiated by the mobile terminal (figures 1 and 5-7, abstract, and C8, L24-33)

that the radio hardware (ie. MSC/HLR) communicates with the mobile terminal via the initiated communication connection by means of a radio protocol (figure 1 shows mobiles and BTS's using RF communications as does C6, L63-67)

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that the radio hardware (ie. MSC/HLR) determines the identity of the subscriber and checks the authorization of the ascertained subscriber by means of an authorization procedure (C7, L1-5), that with satisfactory authorization (C7, L6-15) the NMS allows and facilitates access by means of the radio protocol for the mobile radio terminal to data assigned to the ascertained subscriber of a subscriber management database (SMDB) of the radio hardware of the communication network in which the type of services within the communication network subscribed to by the subscriber and respective assigned parameters for the management of the communication network are specified by the radio hardware (C7, L16-20 teaches sending back a "default" profile while C8, L25-67 teaches the user accessing the subscriber database and changing their profile)

**but is silent on** the mobile directly connecting to an NMS system, a controller that determines the identity of the subscriber and checks the authorization and use of the WAP protocol.

Sonti states that his invention allows a user to bypass a phone company representative and change their profile directly (abstract) which is motivation for the user to connect to hardware (eg. MSC or Network Management system) directly. **Haumont** teaches a GSM system whereby the NMS system connects to/controls the MSC, HLR and VLR (figure 2). With further regard to use of a controller, Sonti does teach that the user contacts radio network "hardware" to check for user identity and authorization which reads on use of a controller in the MSC/HLR/NMS, C7, L16-20 and C8, L25-67). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Sonti, such that the an NMS controller is accessed directly by the user to provide the user with the ability to change their profile as they desire.

**Pehrson** teaches network management using TCP/IP and HTML (eg. Notably, the management data communication network can be implemented in any one of a number of different ways, such as, for example, by using Internet protocols like TCP/IP or HTML. In this case, a number of existing products may be used for execution of the management operations or tasks, such as, for example, conventional Web-browsers, a Java.RTM.-like execution environment, etc. (C7, L55 to C8, L11). The examiner also notes that Internet-enabled wireless devices have been known in the art for many years and pre-date the applicant's invention. Since the applicant admits in their specification (page 2, 2<sup>nd</sup> paragraph) that WAP protocols are based on GSM standards (as taught above by Haumont, C2, L51-6) and allow for transmission of HTML or XML, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the combination of Sonti and Haumont, such that WAP is used to access the NMS, to provide means for using GSM-supported Internet connectivity to the NMS server to access their service profile(s) via a GUI interface.

Since the applicant admits in their specification that WAP protocols are based on GSM standards (as taught above by Haumont, C2, L51-6) and allow for transmission of HTML or XML, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the combination of Sonti and Haumont, such that WAP

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is used to access the NMS, to provide means for using GSM-supported Internet connectivity to the NMS server to access their service profile(s) via a GUI interface.

As per **claim 9**, Sonti in view of Haumont and Pehrson teaches a mobile to NMS communication system as above **but is silent on** the NMS server being part of a network management system that manages a telephone network.

Haumont teaches a NMS system that manages a telephone system (figure 1, see NMS box).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the combination of Sonti, Haumont and Pehrson, such that the NMS manages a telephone system, to provide means for the user to connect to the NMS system to make profile changes.

**Claim 5** rejected under 35 U.S.C. 103(a) as being unpatentable over Sonti in view of Haumont and Pehrson as applied to claim 1 above, and further in view of McGregor et al. US 6,198,915 (hereafter McGregor).

As per **claim 5**, Sonti in view of Haumont and Pehrson teaches satisfactory authorization and connectivity to an NMS SMDB via WAP protocol above **but is silent on** access to a call charge database in which charges incurred for the use of services of the communication network are stored.

McGregor teaches A mobile phone system with having internal accounting capabilities for real time call debiting to account for the billing parameters of a mobile phone unit that is operated in a multi zone communication network with a complex rate structure and an updatable rate table and a complex billing algorithm for calculating the account status on the fly including multiple rate structure factors such as long distance calls, international calls with country independent local charges, charges for roaming per day and/or roaming per minute, and call surcharges, where the account status of the mobile phone is calculated in real time for decrementing a debit account or calculating an account charge on demand (abstract) and the phone having a display to allow a user to view billing status (see claim 14).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the combination of Sonti, Haumont and Pehrson, such that the user can access a call charge database, to provide means for the user to determine if a certain profile is costing too much and requires a new profile to be used (eg. seeing that there are high costs for long distance when on a trip, so add a profile with national roaming).



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**Claims 6 and 10** rejected under 35 U.S.C. 103(a) as being unpatentable over Sonti in view of Haumont and Pehrson as applied to claim 1 or 8 respectively above, and further in view of Lee et al. US 6,336,137 (hereafter Lee).

As per **claim 6**, Sonti in view of Haumont and Pehrson teaches a mobile to NMS communication system above **but is silent on** use of a WAP Gateway between mobile terminal and NMS.

Lee teaches a WAP-enabled phone that connects wirelessly through a WAP Gateway to a server supporting HTML/XML (figure 3). Lee teaches that the WAP gateway translates WAP requests to WWW requests thereby allowing the WAP client to submit requests to the web server (eg. NMS server). (C2, L29-33)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the combination of Sonti, Haumont and Pehrson, such that a WAP Gateway is used, to provide means for the user to connect to an WAP-enabled device via routing provided by the WAP Gateway.

As per **claim 10**, Sonti in view of Haumont and Pehrson teaches a mobile to NMS communication system as above **but is silent on** the NMS is part of a network management system that manages a data network.

Haumont teaches a NMS system (figure 1) which supports GSM cellular systems which can transmit both voice and data (note that the applicant states in their specification that WAP transmits HTML/XML and is based on the GSM standard, page 2, 2<sup>nd</sup> paragraph). Hence, a GSM phone is capable of transmitting both voice and data and the network management system would be able to monitor both voice and data operations.

Lee teaches a WAP-enabled phone that transmits data through the wireless network and Internet (figure 3) which provides motivation for an NMS system to monitor both voice and data networks since mobiles use both networks.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the combination of Sonti, Haumont and Pehrson, such that the NMS system can monitor both voice and data networks, to provide means for the NMS system to provide an end-to-end view of a user's voice and data communications.

**Claim 7** rejected under 35 U.S.C. 103(a) as being unpatentable over Sonti in view of Haumont and Pehrson as applied to claim 1, and further in view of Nykanen et al. US 6,661,784 (hereafter Nykanen).

As per **claim 7**, Sonti in view of Haumont and Pehrson teaches a mobile to NMS communication system above **but is silent on** wherein the NMS has a WAP interface.

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Nykanen teaches the implementation of remote applications in a reduced schematic diagram via a server and the different remote control applications must be provided with a connection, i.e. an interface (WAP application interface). A service can for example change the home page used by the WML browser of the WAP server so that one link is formed by a link to the remote control application, i.e. to the remote control page; that is, for example a CDROM terminal installed in the data processor used as the server is being accessed/controlled (C15, L15-40).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the combination of Sonti, Haumont and Pehrson, such that the NSM has a WAP interface, to provide means for the user to connect to the SMDB via a wireless GUI interface such as HTML/XML (via WAP) as supported by GSM when roaming.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1. Hussain et al. US 6,591,105.
2. Lohtia et al. US 6,560,456.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta

